IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.386 of 2007

DATE OF ORDER: 23.1.2007

Kulwinder Singh

...Petitioner(s)

Versus

Datar Singh

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Abhishek Arora, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 18.11.2006 passed by Civil Judge(Jr.Divn.), Fatehgarh Sahib whereby request of the defendant-petitioner for leading additional evidence was declined.

Suit was for recovery on the basis of pronote and receipt. Defendant had denied his signatures on the pronote and receipt. Then after evidence of the defendant was closed, defendant made application for producing some handwriting expert to prove that pronote and receipt did not bear his signatures.

I find that in this case, plaintiff had closed his evidence on 1.3.2006 and that defendant closed his oral evidence on 29.5.2006. It would have been proper for the trial Court to have granted one opportunity to the

defendant to lead the evidence.

As such, this petition is allowed. Defendant is granted one opportunity to lead evidence in the form of handwriting expert subject to payment of Rs.2000/- as costs to the plaintiff.

January 23, 2007 (M.M. AGGARWAL)
manoj JUDGE